

From: [Odell - DNR, Eric](#)
To: [Becker, Scott A](#)
Subject: [EXTERNAL] molested versus chased
Date: Wednesday, March 30, 2022 12:49:05 PM
Attachments: [NRM_10j vs Endangered Mgmt.pdf](#)

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Hey Scott-

In this doc, in the section on 'taking wolves in the act' it refers to livestock that are molested by wolves. Does molestation equate with being chased? As you can imagine lots of questions at the SAG on whether or not lethal control can be implemented for wolves in the act of chasing livestock. If molestation=chasing, it seems that this is the case (even though the likelihood of a producer seeing a wolf chasing livestock is very small).

Any insight you can share is appreciated.
Eo

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| What | 2005/2008 Experimental Population Rule 50 CFR 17.84 (n) (southern MT & ID south of Interstate 90) | 1994 Experimental Rule 50 CFR 17.84 (i) (WY) | Endangered (Section 7, 10a1A permits) (Northern MT & ID, ND, SD, CO, UT, OR, WA, NV, CA) |
|---|---|---|---|
| Consultation (per Section 7) | Not required unless those actions are on lands of the National Park System or the National Wildlife Refuge System (16 U.S.C. 1539). | Not required unless those actions are on lands of the National Park System or the National Wildlife Refuge System (16 U.S.C. 1539). | Required (16 U.S.C. 1536) |
| Take in self-defense | Any person may take a gray wolf in defense of the individual's life or the life of another person (50 CFR 17.84(n)(vi)). | Any person may take a wolf in self defense or in defense of others. | Any person may take endangered wildlife in defense of his own life or the lives of others (50 CFR § 17.21(c)(2)) |
| Agency take of wolves determined to be a threat to human life & safety. | We or our designated agent(s) may promptly remove any wolf that we or our designated agent(s) determines to be a threat to human life or safety (50 CFR 17.84(n)(vii)). | The Service, or our designated agents, may promptly remove (that is, place in captivity or kill) any wolf determined by the Service or designated agent to be a threat to human life or safety. | Any employee or agent of the Service, other Federal land management agency..., or a State conservation agency... may... take endangered wildlife without a permit if... remove specimens constitute a demonstrable but nonimmediate threat to human safety; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area (50 CFR § 17.21(c)(3)). |
| Noninjurious take of problem wolves by private landowner or grazing permittee | Anyone may conduct opportunistic harassment of any gray wolf in a non-injurious manner at any time. Opportunistic harassment must be reported to the Service or our designated agent(s) within 7 days (50 CFR 17.84(n)(4)(i)). | Landowners & permit holders on Federal land (including guides & outfitters) can opportunistically harass gray wolves in a non-injurious manner without Service written authorization. | Activities that can not be injurious, such as yelling, air horns, etc. are allowed without a permit. A permit is required for any activity that has any potential to cause injury [Seth-what do you think?] |
| Injurious, nonlethal take of problem wolves by private landowner or grazing permittee | After we or our designated agent(s) have confirmed wolf activity on private land, on a public land grazing allotment, or on a Tribal reservation, we or our designated agent(s) may issue written take authorization valid for not longer than 1 year, with appropriate conditions, to any landowner or public land permittee to intentionally harass wolves. The harassment must occur in the area and under the conditions as specifically identified in the written take authorization (50 CFR 17.84(n)(4)(ii)). | The Service or our designated agent can issue permits to private landowners after verified persistent wolf activity on their private land. The written take authorization would allow intentional & potentially injurious, (less-than-lethal munitions) but non-lethal, harassment of wolves. | Permit required and such activity has been permitted for agency personnel. But because of Service LE concerns no permits have ever been issued to the public. |

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| Taking of wolves "in the act" on private land | Any landowner may immediately take a gray wolf in the act of attacking livestock or dogs on his or her private land, provided the landowner provides evidence of livestock, stock animals, or dogs recently (less than 24 hours) wounded, harassed, molested, or killed by wolves, and we or our designated agent(s) are able to confirm that the livestock, stock animals, or dogs were wounded, harassed, molested, or killed by wolves. The carcass of any wolf taken and the area surrounding it should not be disturbed in order to preserve physical evidence that the take was conducted according to this rule (50 CFR 17.84(n)(4)(iii) & (xiii)). | Allowed on private land without written authorization, when wolves were physically biting & grasping livestock (cattle, sheep, horses, & mules). | Permit required and such activity has been authorized for agency personnel. But because of Service LE concerns no permits have ever been issued to the public. |
| Taking of wolves "in the act" on public land | Any livestock producer and public land permittee who is legally using public land under a valid Federal land-use permit may immediately take a gray wolf in the act of attacking his or her livestock on the person's allotment or other area authorized for his or her use without prior written authorization, provided that that producer or permittee provides evidence of livestock recently (less than 24 hours) wounded, harassed, molested, or killed by wolves, and we or our designated agent(s) are able to confirm that the livestock were wounded, harassed, molested, or killed by wolves. The carcass of any wolf taken and the area surrounding it should not be disturbed, in order to preserve physical evidence that the take was conducted according to this rule. (50 CFR 17.84(n)(4)(iv)) Any person legally present on public land, except land administered by the National Park Service, may immediately take a wolf that is in the act of attacking the individual's stock animal or dog, provided conditions noted in "taking of wolve 'in the act' on private land" are met. (50 CRE 17.84(n)(4)(xiii)) | Livestock producers & permittees [includes employees and family members] with current valid livestock grazing allotments on public land can get a 45-day written authorization from the Service or our designated agents, to take gray wolves in the act of killing, wounding, or biting livestock if previous verified wolf attacks | Permit required and such activity has been permitted for agency personnel. However, because of Service LE concerns no permits have ever been issued to the public. |

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|---|--|---|--|
| What | (southern MT & ID south of Interstate 90) | (WY) | (Northern MT & ID, ND, SD, CO, UT, OR, WA, NV, CA) |
| "Shoot on sight" of problem wolves for private landowner | Any landowner may immediately take a gray wolf in the act of attacking livestock or dogs on his or her private land, provided the landowner provides evidence of livestock or dogs recently (less than 24 hours) wounded, harassed, molested, or killed by wolves, and we or our designated agent(s) are able to confirm that the livestock or dogs were wounded, harassed, molested, or killed by wolves. The carcass of any wolf taken and the area surrounding it should not be disturbed in order to preserve physical evidence that the take was conducted according to this rule. (50 CFR 17.84(n)(4)(iii)(A)) | | |
| "Shoot on sight" of problem wolves for grazing permittee | At our or our designated agent(s)' discretion, we or our designated agent(s) also may issue a shoot-on-sight written take authorization of limited duration (45 days or less) to a public land grazing permittee to take problem wolves on that permittee's active livestock grazing allotment if: (1) The grazing allotment has had at least one depredation by wolves on livestock that has been confirmed by us or our designated agent(s) within the past 30 days; and (2) We or our designated agent(s) have determined that problem wolves are routinely present on that allotment and present a significant risk to the health and safety of livestock; and (3) We or our designated agent(s) have authorized lethal removal of problem wolves from that same allotment. (50 CFR 17.84(n)(iv)(A)) | Permit required. Written authorization can be provided if we or our designated agent confirm a depredation on livestock or dogs & wolves remain in the area & present a significant risk to livestock or dogs, & have authorized agency lethal control. | Permit required but because of Service LE concerns no permits have ever been issued to the public. |

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| Agency take of chronic depredating wolves | <p>We or our designated agent(s) may carry out harassment, nonlethal control measures, relocation, placement in captivity, or lethal control of problem wolves. We or our designated agent(s) will consider: (A) Evidence of wounded livestock, dogs, or other domestic animals, or remains of livestock, dogs, or domestic animals that show that the injury or death was caused by wolves, or evidence that wolves were in the act of attacking livestock, dogs, or domestic animals; (B) The likelihood that additional wolf-caused losses or attacks may occur if no control action is taken; (C) Evidence of unusual attractants or artificial or intentional feeding of wolves; and (D) Evidence that animal husbandry practices recommended in approved allotment plans and annual operating plans were followed. (50 CFR 17.84(n)(4)(viii))</p> | <p>Authorized nonlethal take includes: Aversive conditioning, nonlethal control, and/or translocating wolves. Lethal control of problem wolves or permanent placement in captivity will be authorized but only after other methods to resolve livestock depredations have been exhausted. Problem wolves are defined as wolves that in a calendar year attack livestock (cattle, sheep, horses, and mules or as defined by State and tribal wolf management plans approved by the Service) or wolves that twice in a calendar year attack domestic animals (all domestic animals other than livestock).</p> | <p>Permit required.</p> |
| Agency take to reduce impacts on wild ungulates | <p>If wolf predation is having an unacceptable impact on wild ungulate populations (deer, elk, moose, bighorn sheep, mountain goats, antelope, or bison) as determined by the respective State or Tribe, a State or Tribe may lethally remove the wolves in question (50 CFR 17.84(n)(4)(v)). "Unacceptable impact" is defined as an "Impact to ungulate population or herd where a State or Tribe has determined that wolves are one of the major causes of the population or herd not meeting established State or Tribal management goals (50 CFR 17.84(n)(3)). States or Tribes must submit science based report showing action meets regulatory standard as defined in 50 CFR 17.84(n)(4)(v)(A)). We must determine that an unacceptable impact to wild ungulate populations or herds has occurred and that the proposed lethal removal is science-based, will not contribute to reducing the wolf population in the State below 20 breeding pairs and 200 wolves, and will not impede wolf recovery (50 CFR 17.84(n)(4)(v)(B)).</p> | <p>States or Tribes may capture & translocate wolves to other areas within the same NEP area, if the gray wolf predation is negatively impacting localized wild ungulate populations at an unacceptable level, as defined by the States & Tribes. State/Tribal wolf management plans must be approved by the Service before such movement of wolves may be conducted, & the Service must determine that such translations will not inhibit wolf population growth toward recovery levels.</p> | <p>Permit required but no permits have ever been issued or are likely to be issued in the future for this purpose.</p> |

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|--|--|--|--|
| Incidental take by private landowner or grazing permittee | Take of a gray wolf is allowed if the take is accidental and incidental to an otherwise lawful activity and if reasonable due care was practiced to avoid such take, and such take is reported within 24 hours (we may allow additional time if access to the site of the take is limited) (50 CFR 17.84(n)(4)(ix)). | Any person may take a gray wolf provided that the take is incidental to an otherwise lawful activity, accidental, unavoidable, unintentional, not resulting from negligent conduct lacking reasonable due care, and due care was exercised to avoid taking a gray wolf. Such taking to be reported within 24 hours. We or our designated agents may allow additional time if access is limited. | Permit required but because of Service LE concerns no permits have ever been issued to the public. |
| Additional taking provisions for agency employees | Same as the 1994 rules, except provision (H) was added. (H) that allows such take of wolves to prevent wolves with abnormal physical or behavioral characteristics, as determined by the Service. (50 CFR 17.84(n)(4)(xi)) | Any employee or agent of the Service or appropriate Federal, State, or Tribal agency, who is designated in writing for such purposes by the Service, when acting in the course of official duties, may take a wolf from the wild, if such action is for—(A) scientific purposes; (B) to avoid conflict with human activities; (C) to relocate a wolf within the NEP areas to improve its survival & recovery prospects; (D) to return wolves that have wandered outside of the NEP areas; (E) to aid or euthanize sick, injured, or orphaned wolves; (F) to salvage a dead specimen which may be used for scientific study; (G) to aid in law enforcement investigations involving wolves. | Permit required. |

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